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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT COURT
OF ILLINOIS – WESTERN DIVISION**

Terence Bruce Richards
Plaintiff-Appellant

Vs.

United States of America
Clerk of United States Supreme Court
Defendant-Appellees

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08 c 4037

Case Number 08 C 4037

Judge Mathew F. Kennelly

FILED
JUL 25 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**MEMORANDUM OF POINTS AND AUTHORITIES
FOR MOTION FOR RECONSIDERATION
{PURSUANT TO FED. R. CIV. PROC. 59(e)}**

In the present case, the Plaintiff, is merely moving for a judgment declaring that Plaintiff's Constitutional Rights have been violated by the highest Court of the proud country of United States of America.

Judge Mathew F. Kennelly, suggests that "the expansion of adequate legal remedies provided by the Declaratory Judgment Act. . . necessarily affects the scope of the equity". Does the Court mean to say that the mere availability of ac action for a declaratory judgment operates to furnish "an adequate remedy at law" so as to provide a court of equity of the powers to act? That novel line of reasoning it at least implied in the Court's opinion. But, the Declaratory Judgment Act did not "expand" the substantive law. That Act merely provided a new statutory remedy, neither legal nor equitable, but available in the arcas of both equity and law. When declaratory relief is sought, the right to trial by jury depends upon the basic context in which the issues are presented. See Moore's Federal Practice (2nd ed.) §§38.29, 57.30; Borchard, Declaratory Judgments (2nd

ed.) 399-404. If the basic issues in an action for declaratory relief are of a kind traditionally cognizable in equity e.g. a violation of a constitutional right, the declaratory judgment is not a "remedy at law" If, on the other hand, the issues arise in a context traditionally cognizable at common law, the right to a jury trial of course remains unimpaired, even though the only relief demanded is a declaratory judgment.

The District Court's finding that the Complaint for Declaratory Relief presented basically equitable issues draws no support from the Declaratory Judgment Act, 28 U.S.C. §2201. Fed. R. Civ. Proc. 57. See also 48 Stat 955, 28 USC (1940 ed.) §400. That Statute, while allowing prospective defendants to sue to establish their nonliability, specifically preserves the right to jury trial for both parties.

The basis of injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies. At least, as much is required to justify a trial court in using its discretion under Federal Rules to allow claims of equitable origins to be tried ahead of legal issues, since this has the same effect as an equitable injunction of the legal claims.

Viewed in this manner, the use of discretion by the trial court under Rule 42(b) to deprive Richards of a full jury trial on his claim against the Clerk of the United States Supreme Court for declaratory relief, cannot be justified.

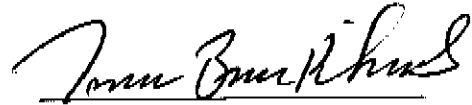
As the following cartoon depicts, "A Working Men's Party Cartoon from the 1830's accusing a wealthy businessman (left) of conspiring with the devil to buy votes, while the honest worker (right) casts his ballot for "Liberty and the Rights of Man" Such cartoons provide evidence of class tensions in Antebellum America.



A Working Men's Party cartoon from the 1830s accusing a wealthy businessman (left) of conspiring with the devil to buy votes, while the honest worker (right) casts his ballot for "Liberty and the Rights of Man." Such cartoons provide evidence of class tensions in antebellum America.

As this Cartoon portrays, the Court's (Devil) is sitting in on his throne, taking bribes from United States Trustee's Office, and James E. Stevens to prevent the plaintiff from bring his claims, and to having a fair trial on the merits of the case. While, the Plaintiff is placing his ballot with lady liberty, the Bill of Rights for man. This case clearly demonstrates the class tensions in the modern day America, just like in the Antebellum America.

The Plaintiff, did send exhaust the remedy, the court proposes, and the Clerk of United States, Supreme Court, just returned the Plaintiff-Appellant's papers, back in return.


Terence Bruce Richards

July 25, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TERRANCE RICHARDS

PLAINTIFF

VS.

UNITED STATES OF AMERICA

DEFENDANT

ET AL

CASE NO. 08 C 4037

PROOF OF SERVICE

TO: UNITED STATES ATTORNEY
219 NORTH DEARBORN ST
CHICAGO ILLINOIS 60604

TO: _____

TO: _____

I, the undersigned (plaintiff / defendant), certify that on the 25 day of JULY, 2008, I served a copy of this MOTION FOR RECORD to each person whom it is directed by way of

HAND DELIVERY

Name TERRANCE RICHARDS

Address P.O. Box 3030

City/Zip CHICAGO ILLINOIS 60690

Telephone _____